

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, May 4, 2006

 + Back

## Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

#40

**Subject:** Conduct a public hearing to consider variance requests by Russell Jones to allow construction of a single-family residence at 806 East 30th Street in the 25-year and 100-year floodplains of Waller Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.

### Additional Backup Material

(click to open)

- ☐ Backup information - maps
- ☐ Backup information - photo - front
- ☐ Backup information - photo - rear
- ☐ Ordinance

## **Backup Information Packet**

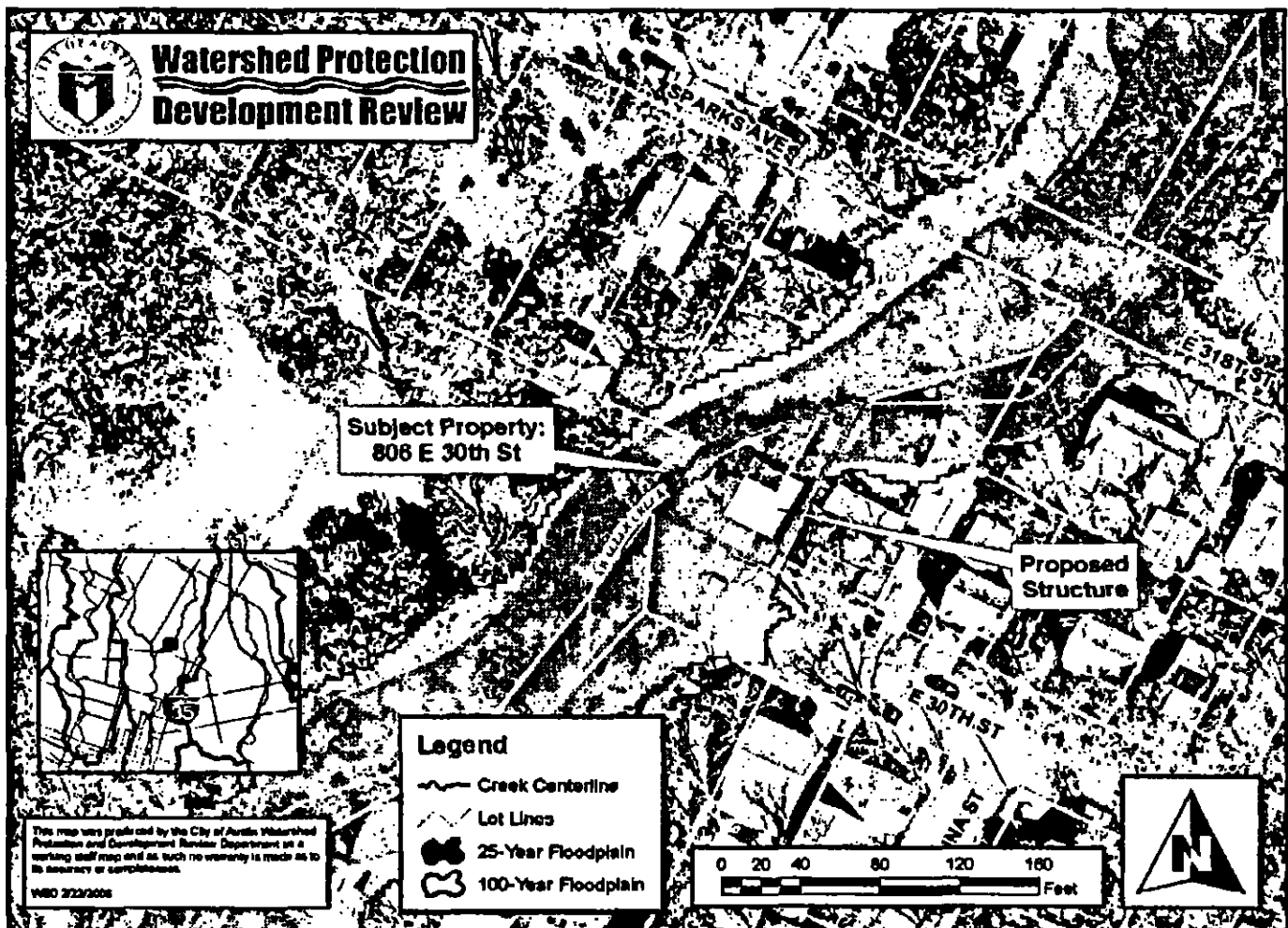
Conduct a public hearing to consider variance requests by Russell Jones to allow construction of a single-family residence at 806 East 30th Street in the 25-year and 100-year floodplains of Waller Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.

1. Site Location Map with Floodplains for 806 East 30th Street
2. Close Up of Site Location Map with Floodplains for 806 East 30th Street
3. Photograph of front of 806 E. 30<sup>th</sup> Street.
4. Photograph of rear of 806 E. 30<sup>th</sup> Street and Waller Creek.

# Site Location Map with Floodplains for 806 E. 30<sup>th</sup> Street



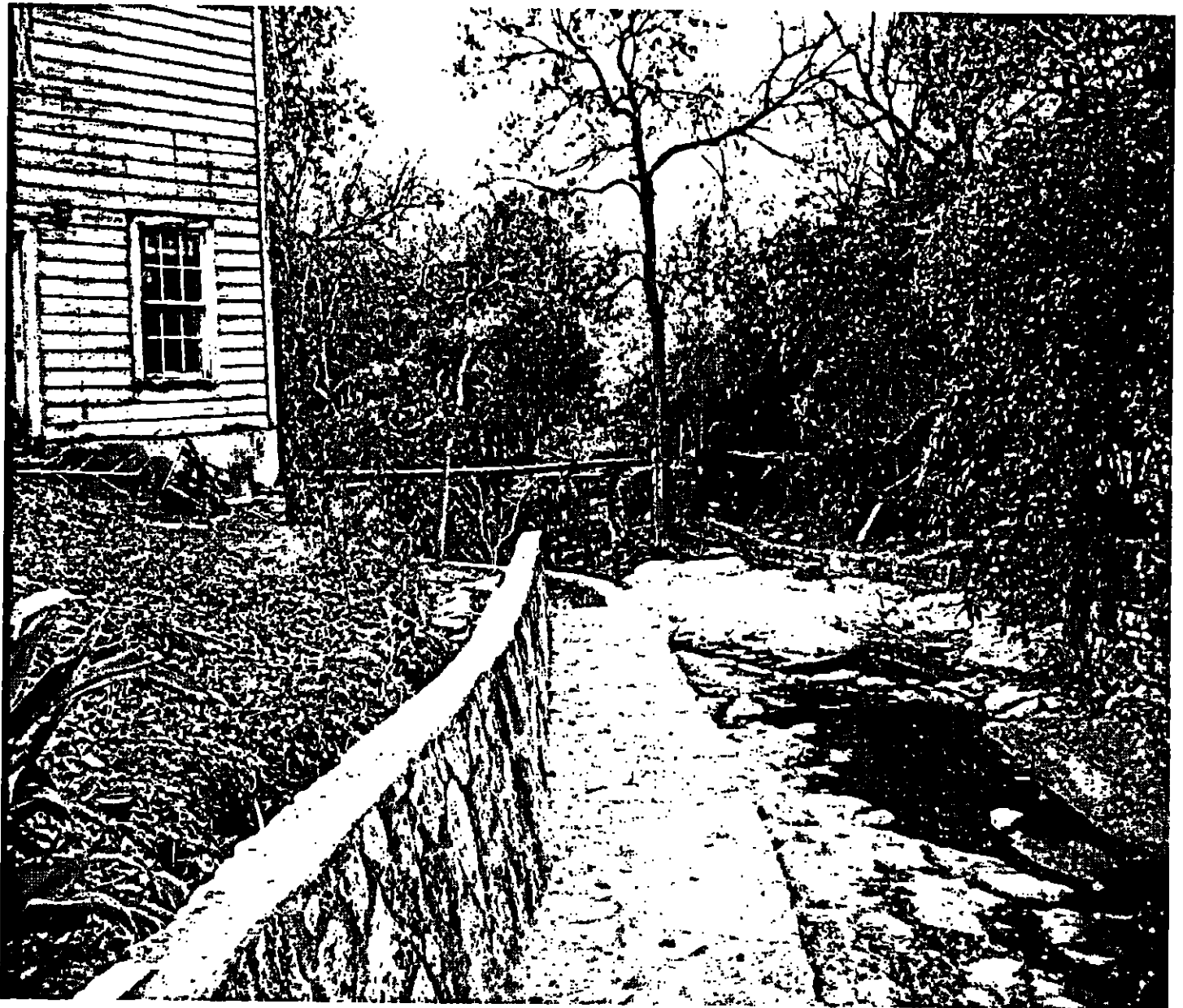
# Close-Up of Site Location Map with Floodplains for 806 E. 30<sup>th</sup> Street



**Photograph of front of  
806 E. 30<sup>th</sup> Street**



# **Photograph of Rear of 806 E. 30th Street and Waller Creek**



## **STAFF RECOMMENDS DENIAL**

### **ORDINANCE NO.**

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**  
2 **806 EAST 30<sup>TH</sup> STREET FROM CERTAIN FLOODPLAIN REGULATIONS**  
3 **PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A HOUSE IN**  
4 **THE 25 AND 100-YEAR FLOODPLAINS, AND PROVIDING AN EXPIRATION**  
5 **DATE FOR THE VARIANCES.**

6  
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8  
9 **PART 1.** This ordinance applies to the construction of a 1,628 square foot house located  
10 at 806 East 30<sup>th</sup> Street within the 25 and 100-year floodplains subject to Building Permit  
11 Application No. BP-04-9680R.

12 **PART 2.** Council has considered the factors for granting a variance from floodplain  
13 regulations prescribed by City Code Section 25-12-3, Building Code Appendix G,  
14 Section G105.7 (*Conditions for Issuance*). Council finds that the variance granted by this  
15 ordinance is the minimum necessary to afford relief, is based on good and sufficient  
16 cause, and failure to grant the variance would result in exceptional hardship. Council  
17 further finds that the variance granted in this ordinance will not result in increased flood  
18 heights, additional threats to public safety, or extraordinary public expense, or create a  
19 nuisance, cause fraud on or victimization of the public, or conflict with existing local  
20 laws or ordinances.

21 **PART 3.** A variance is granted from:

- 22 (A) the restriction on construction in the 25 and 100-year floodplains prescribed  
23 by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- 24 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*  
25 *Easements and Rights-of-Way*) to exclude the house from the requirement to  
26 dedicate an easement to the limits of the 100-year floodplain;
- 27 (C) the prohibition against expanding, changing, enlarging, or altering a  
28 structure in a way which increases its nonconformity prescribed by City  
29 Code Section 25-12-3, Building Code Appendix G, Section G102.3(1)  
30 (*Nonconforming Uses*).
- 31 (D) the requirement in City Code Section 25-12-3, Building Code Appendix G,  
32 Section G102.3(3) (*Nonconforming Uses*) that future use of the premises

1 after a nonconforming use is discontinued must conform to floodplain  
2 regulations.

3 (E) the requirement in City Code Section 25-12-3, Building Code Appendix G,  
4 Section G102.3(4) (*Nonconforming uses*) that reconstruction after a  
5 nonconforming use is destroyed must conform to floodplain regulations.

6 (F) the requirement that normal access to the building be by direct connection  
7 with an area at least one foot above the design flood elevation prescribed by  
8 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*  
9 *Egress*).

10 **PART 4.** The variances granted in this ordinance are only effective if the applicant  
11 meets the following conditions:

12 (1) The finished floor of the structure and all electrical and mechanical  
13 components susceptible to flood damage shall have a minimum elevation of  
14 one foot above the 100-year floodplain elevation.

15 (2) The applicant shall submit a completed Elevation Certificate certifying the  
16 elevation of the finished structure, signed by a Texas registered professional  
17 land surveyor, before the City may issue a Certificate of Occupancy for the  
18 structure.

19 (3) The applicant shall submit a letter from a Texas registered professional  
20 structural engineer certifying that the structure can withstand forces from the  
21 100-year flood event, before the City may issue a Certificate of Occupancy  
22 for the structure.

23 (4) The applicant shall dedicate an easement to the City as required by City  
24 Code Section 25-7-152 for that portion of the property for which a variance  
25 is not granted.

26 **PART 5.** If the project for which this variance is granted does not receive all necessary  
27 building permits before April 27, 2007, this variance expires.

28 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,  
29 a site plan, a building permit, or any other development permit, and it does not constitute  
30 a commitment to any particular land use, intensity of land use, or utility services.  
31 Approval of this variance does not constitute a guarantee of flood insurance availability,  
32 rates, or requirements.



1 **PART 7.** This ordinance takes effect on \_\_\_\_\_, 2006.

2  
3 **PASSED AND APPROVED**

4  
5  
6  
7 \_\_\_\_\_, 2006

§  
§  
§

8 Will Wynn  
9 Mayor

10  
11  
12 **APPROVED:** \_\_\_\_\_  
13 David Allan Smith  
14 City Attorney

15  
16 **ATTEST:** \_\_\_\_\_  
17 Shirley A. Gentry  
City Clerk